

# CRS Report for Congress

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## Legislation to Expedite the Construction of the World War II Memorial in the District of Columbia

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### Summary

Legislation has been introduced in the 107<sup>th</sup> Congress which would have the effect of expediting the construction of the previously authorized World War II memorial in the District of Columbia. This report examines the proposed legislation.

### Background

The Veterans Millennium Health Care and Benefits Act provided for the codification of the existing authority and for the expansion of the authority of the American Battle Monuments Commission (“ABMC”) to construct a World War II memorial (“memorial”) in the District of Columbia.<sup>1</sup> The existing legislation provides for a comprehensive framework for the establishment of the memorial.

### Analysis

Legislation has been introduced in the 107<sup>th</sup> Congress which would have the effect of expediting the commencement of the ABMC’s construction of the memorial.<sup>2</sup> Both bills are substantially similar and they would add a new section to the existing memorial authorization legislation which would direct the ABMC to commence construction of the memorial in an “expeditious manner.” The provisions of the bills and their substantive differences are examined below.

Section one of the bills provides that the ABMC shall expeditiously proceed with the memorial construction. There is a substantive difference in how the bills address this issue. Subsection (1) of S. 580 states that the ABMC shall proceed with the construction of the

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<sup>1</sup> Pub. L. 106-117, 113 Stat. 1576, codified at 36 U.S.C. § 2113.

<sup>2</sup> S. 580, 107<sup>th</sup> Cong., 1<sup>st</sup> Sess. (2001); H.R. 1696, 107<sup>th</sup> Cong., 1<sup>st</sup> Sess. (2001).

memorial “without regard to the National Environmental Policy Act of 1969 (“NEPA”)(42 U.S.C. 4321 et seq.), the Commemorative Works Act (“CWA”)(40 U.S.C. 1001 et seq.), or any other law pertaining to the siting or design for the World War II memorial.” By contrast, subsection (1) of H.R. 1696 provides that the requirements of the National Environmental Policy Act of 1969 and the Commemorative Works Act, and “all other laws pertaining to the siting and design for the World War II memorial having been met,” that the Commission shall expeditiously proceed with the memorial construction. Hence, the Senate bill excludes compliance with NEPA, CWA, and any other legislation concerning the memorial. The House bill apparently presumes that the requirements of NEPA, CWA, and other relevant legislation have been met.<sup>3</sup>

Subsection (2) is almost identical in both bills. It provides that the construction of the memorial shall be consistent with: 1) the final architectural submission made to the Commission of Fine Arts and the National Capital Planning Commission on June 30, 2000, as supplemented on November 2, 2000; and 2) such reasonable construction permit requirements as may be required by the Secretary of the Interior, acting through the National Park Service.

Subsection (3) is similar in both bills. This section provides that the decision to construct the memorial at the dedicated site, and the decisions regarding the design for the memorial, are final and conclusive and shall not be subject to further administrative or judicial review. The House bill adds the provision that “decisions implementing this subsection” shall not be subject to administrative or judicial review.

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<sup>3</sup> It is beyond the scope of this report to determine whether or not the requirements of the relevant legislation have been met.

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